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plaintiff has been damaged intentionally by the defendant, he can recover. *Steinmetz v. Kelly*, 72 Ind. 442. Also where the defendant observes the danger and proceeds with wanton disregard of consequences the damaged plaintiff is compensated. *Aiken v. Holyoke R. Co.*, 184 Mass. 269, 68 N. E. 238. And thus where the plaintiff, although negligent, is helpless to avoid the accident, and the defendant by the use of due care could avoid it, a recovery is allowed. *Nashua Iron and Steel Co. v. Worcester & Nashua R. Co.*, 62 N. H. 159. See *Nieboer v. Detroit Electric Ry. Co.*, 128 Mich. 486, 491, 87 N. W. 626, 628. As both would be liable to an injured third party, it is apparent that the "last clear chance" doctrine cannot be supported on the ground that the plaintiff's negligence was not a legal cause of the accident. It is in fact an arbitrary modification of a harsh rule; which is justified because in the great majority of cases it places the loss on the man who is most to blame. The now discredited rule of comparative negligence may have been more scientific, but the "last clear chance" doctrine is far easier of practical application, and does not lodge such unlimited power in the hands of the jury.

CORPORATIONS — CAPITAL, STOCK, AND DIVIDENDS — STOCKHOLDERS' RIGHT TO RECOVER DIVIDENDS INFORMALLY DECLARED. — The stockholders of a corporation, who included the directors, met and unanimously but without formal resolution agreed to a division of profits. Accordingly, credits were placed on the books to each of the stockholders, some of whom withdrew their share. Subsequently, the corporation became bankrupt. *Held*, that a stockholder has a provable claim for the amount credited him. *Spencer v. Lowe*, 198 Fed. 961 (C. C. A., Eighth Circ.).

After a dividend is properly declared and set aside, the stockholder may claim it against creditors of the corporation. *Le Roy v. Globe Ins. Co.*, 2 Edw. Ch. (N. Y.) 657; *Matter of Le Blanc*, 14 Hun (N. Y.) 8. If it is not segregated, he has a provable claim as a creditor. *McLaran v. Crescent Planing Mill Co.*, 117 Mo. App. 40, 93 S. W. 819. See *Hunt v. O'Shea*, 69 N. H. 600, 601, 45 Atl. 480. Where the power to declare dividends is vested in the directors, the stockholders perhaps cannot act. See *Grant v. Ross*, 100 Ky. 44, 48, 37 S. W. 263. But where all directors attend the meeting in which dividends are declared, and assent, this objection seems unavailable. See 2 MACHEN, CORPORATIONS, § 1191. But *cf. Gashwiler v. Willis*, 33 Cal. 11. The question then is as to the formality necessary to a proper declaration of dividends. Under statutes making directors liable for declaring illegal dividends, a distribution of profits is held a dividend. *Rorke v. Thomas*, 56 N. Y. 559; *Pennsylvania Iron Works Co. v. MacKenzie*, 190 Mass. 61, 76 N. E. 228. Where the rights of no third party are involved, and unanimous consent is given, informality of declaration does not prevent the stockholder from recovering a dividend. *Central of Georgia R. Co. v. Central Trust Co.*, 135 Ga. 472, 69 S. E. 708; *Barnes v. Spencer & Barnes Co.*, 162 Mich. 509, 127 N. W. 752; *Breslin v. Fries-Breslin Co.*, 70 N. J. L. 274, 58 Atl. 313. But *cf. Dennis v. Joslin Manufacturing Co.*, 19 R. I. 666, 36 Atl. 129. In the principal case, the court considers the trustee in bankruptcy as standing no better than the corporation. Moreover, the other stockholders had collected their dividends. Though informal, these cannot be recovered back. *Berryman v. Bankers' Life Ins. Co.*, 117 N. Y. App. Div. 730, 102 N. Y. Supp. 695. Consequently, to disallow the claim would be to enforce a preferential dividend. *Cf. Stoddard v. Shetucket Foundry Co.*, 34 Conn. 542.

CRIMINAL LAW — STATUTORY OFFENSES — DIVISIBILITY OF OFFENSE: PRACTICE OF MEDICINE WITHOUT LICENSE. — A statute prohibited the practice of medicine without a certificate. The defendant, without such certificate, opened an office as doctor and treated two patients on the same day and five